

## **REMARKS**

The above amendments are made in response to the Office action of February 16, 2007. The Examiner's reconsideration is respectfully requested in view of the above amendment and the following remarks.

Claims 1-6 are pending. Claims 1, 5 and 6 have been amended and claims 2-4 have been canceled. Claims 1, 5 and 6 are pending in the present application. Support for the amendments to claims 1 and 6 may be found at least in original claims 2 and 3, which have been canceled and the application as filed. Claim 5 has been amended to correct original claim dependency based on canceled claim 2. No new matter has been added.

### ***Specification***

The specification stands objected to for various informalities listed on pages 2 and 3 of the present Office action.

The specification has been amended above to cure the deficiencies noted on pages 2 and 3 of the present Office action.

Accordingly, it is respectfully requested that the objection to the specification be withdrawn.

### ***Claim Objections***

Claims 1-5 stand objected to for informalities. The Examiner states that the limitation "a step to reconstruct the 3D image of the fabric surface" of claim 1 lacks sufficient antecedent basis and suggests amending the claim to read "a step to reconstruct a 3D image of the fabric surface". The Examiner also states that the limitation "a step to calculate the horizontal position of each region" of claim 1 lacks sufficient antecedent basis and suggests amending the claim to read "a step to calculate a horizontal position of each region". The Examiner also states that the limitation "a step to correlate the pixel shift value" of claim 1 lacks sufficient antecedent basis and suggests amending the claim to read "a step to correlate a pixel shift value". The Examiner also states that the limitation "specimen using a couple of CCD camera" should be changed to "specimen using a couple of charge coupled device cameras".

Claims 2-4 have been canceled rendering any rejection thereto moot.

Claims 1, 5 and 6 have been amended to cure the deficiencies noted above.

Accordingly, it is respectfully requested that the objection to claims 1-5 be withdrawn.

#### ***Claim Rejections Under 35 U.S.C. § 112***

Claims 1-5 stand rejected under 35 U.S.C. § 112, second paragraph as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner states that the limitation “a step to convert the 3D image into a binary image by height-threshold algorithm and number, area and density values of the pilings acquired from the standard photographs” of claim 1 is unclear. The Examiner also states that the limitation “a step to calculate the horizontal position of each region of the fabric specimen and calculate the height value” of claim 1 lacks antecedent basis and is unclear. The Examiner also states that the limitation “a step to correlate the pixel shift value at the measured height with the actual height value” of claim 1 is also unclear.

Claims 2-4 have been canceled rendering any rejection thereto moot.

Claims 1, 5 and 6 have been amended to cure the deficiencies noted above and to more clearly point out the claimed invention.

Accordingly, it is respectfully requested that the rejection to claims 1-5 under § 112 be withdrawn.

#### ***Claim Rejections Under 35 U.S.C. § 102***

In order to anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert denied*, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1274 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by “The Objective Assessments of Fabric Piling-Part 1: Methodology” (by R.B. Ramgulam, J. Amirbayat and I. Porat, J. Text. Inst. 1993, 84 No. 2, hereinafter “Ramgulam”). The Examiner states that Ramgulam discloses all of the elements of the abovementioned claims, primarily in pages 221-223. In addition, Claim 6 stands rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by “Instrumental Evaluation of Fabric Piling” (by B. Xu, J. Text. Inst. 1997, 88 Part 1, No. 4, hereinafter “Xu”). The Examiner states that Xu discloses all of the elements of claim 6, primarily in pages 488 and 489. Applicant respectfully traverses both rejections for at least the reasons set forth below.

Claims 1 and 6 have been amended to include the limitations of canceled claims 2 and 3, which are admittedly not taught or suggested by either Ramgulam or Xu.

In particular, neither Ramgulam nor Xu, teach or suggest, either alone or in combination, wherein the adjusting the initial position is regressed according to the correlation between the pixel shift value and the actual height value using calibration blocks, as recited in amended independent claim 1 and 6. Thus, it is respectfully submitted that claims 1 and 6, including claims depending therefrom, i.e., claim 5, define over Ramgulam and Xu.

Accordingly, it is respectfully requested that the rejection to claims 1, 2 and 6 under § 102(b) be withdrawn.

### ***Rejections Under 35 U.S.C. § 103***

In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q.

494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). See MPEP 2143. Claims 3, 4, 8 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki in view of Applicant's prior art (FIG. 3).

Claims 4-5 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ramgulam in view of "Automatic Method Based on Image Analysis for Piling Evaluation in Fabrics" (by Hector C. Abril, Yezld Torres, and Rafael Navarro, Optical Engineering, Vol. 37 No. 1k1, November 1998, hereinafter "Abril"). The Examiner states that Ramgulam discloses all of the elements of claim 4 except, *the linear regression gives regression coefficient higher than 0.95 and lower than 1.0*, which the Examiner further states is disclosed primarily in page 2943, lines 1-33 and FIGS. 7-9 of Abril. The Examiner states that Ramgulam discloses all of the elements of claim 5 except, *the linear regression coefficient is 0.99*, which the Examiner further states is disclosed primarily in page 2943, lines 1-33 and FIGS. 7-9 of Abril. Applicant respectfully traverses both rejections for at least the reasons set forth below.

First, is respectfully noted that claim 4 has been canceled rendering any rejection thereto moot.

Second, it is respectfully noted that claim 5 depends from claim 1, which is submitted as being allowable for defining over Ramgulam as discussed above. Furthermore, it is respectfully submitted that use of *the linear regression coefficient being 0.99* allegedly taught in Abril or any other disclosure of April does not cure the deficiencies noted above with respect to Ramgulam.

Thus, Applicant submits that neither Ramgulam nor Abril, either alone or in combination, render obvious the subject matter of amended claim 1. Amended claim 5 depends from amended claim 1, and thus includes the allowable elements of amended claim 1. It is thus believed that the dependent claims are patentable over the cited references for at least the reasons given above for amended independent claim 1.

Accordingly, it is respectfully submitted that the claimed invention is allowable over the cited references. The Examiner's withdrawal of the rejection of claims 4 and 5, and their subsequent allowance is respectfully requested.

***Conclusion***

In light of the above remarks, the present application including claims 1, 5 and 6 are believed to be in condition for allowance.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the outstanding rejections. If there are any charges due with respect to this response, please charge them to Deposit Account No. 06-1130 maintained by Applicant's Attorneys.

Respectfully submitted,

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Date: May 16, 2007